

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASHINGTON,

No. 26740-7-III

Respondent,

Division Three

v.

MAURICE TERRELL BROWN,

UNPUBLISHED OPINION

Appellant.

Schultheis, C.J. — Maurice Terrell Brown was convicted of second degree escape in a bench trial. He filed an appeal, challenging the sufficiency of the evidence. When a case is tried without a jury, as was Mr. Brown’s, “the court shall enter findings of fact and conclusions of law.” CrR 6.1(d). This is a mandatory duty. *State v. Head*, 136 Wn.2d 619, 623-24, 964 P.2d 1187 (1998). Neither party mentions the deficiency. Nonetheless, the record is insufficient to resolve this issue without findings of fact and conclusions of law.

An oral opinion has no binding effect unless incorporated into the findings, conclusions, and judgment. *Id.* at 622 (quoting *State v. Mallory*, 69 Wn.2d 532, 533-34,

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419 P.2d 324 (1966)). The absence of findings of fact and conclusions of law requires remand for compliance with CrR 6.1(d). *Id.* at 624.

Mr. Brown also contended that the language in the information was insufficient to provide him with notice of the nature and cause of the charge against him. We reserve resolution of this issue until the sufficiency is addressed after remand.

A majority of the panel has determined that this opinion will not be printed in the Washington Appellate Reports but it will be filed for public record pursuant to RCW 2.06.040.

Schultheis, C.J.

WE CONCUR:

Kulik, J.

Korsmo, J.